

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STEPHANIE AMADEO

v.

No.: 2:18-cv-02472-CFK

SPRING MOUNTAIN ADVENTURES,
INC. D/B/A SPRING MOUNTAIN SKI
AREA, THIRD GENERATION LIMITED
PARTNERSHIP, A/K/A 3RD
GENERATION PARTNERSHIP AND
MOUNTAIN MANAGEMENT, LLC

ORDER

And now, upon this day of , 2019, upon consideration of Defendants Spring Mountain Adventures, Inc. d/b/a Spring Mountain Ski Area, Third Generation Limited Partnership a/k/a 3rd Generation Partnership and Mountain Management, LLC Motion to Compel Responses to Defendants' Interrogatories and Requests for Production of Documents, it is hereby **ORDERED** that the Motion is **GRANTED**. Plaintiffs shall provide the following documents within ten (20) days of this order:

1. The Blue Cross-Blue Shield medical payment lien.
2. All of Plaintiff's medical and billing records.
3. All radiological studies in either counsel's control or his expert's control.

BY THE COURT:

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STEPHANIE AMADEO

v.

No.: 2:18-cv-02472-CFK

SPRING MOUNTAIN ADVENTURES,
INC. D/B/A SPRING MOUNTAIN SKI
AREA, THIRD GENERATION LIMITED
PARTNERSHIP, A/K/A 3RD
GENERATION PARTNERSHIP AND
MOUNTAIN MANAGEMENT, LLC

**DEFENDANTS SPRING MOUNTAIN ADVENTURES, INC. D/B/A SPRING
MOUNTAIN SKI AREA, THIRD GENERATION LIMITED PARTNERSHIP A/K/A 3RD
GENERATION PARTNERSHIP AND MOUNTAIN MANAGEMENT, LLC'S MOTION
TO COMPEL PLAINTIFF'S RESPONSES TO DEFENDANTS'
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Defendants Spring Mountain Adventures, Inc. d/b/a Spring Mountain Ski Area, Third Generation Limited Partnership a/k/a 3rd Generation Partnership and Mountain Management, LLC, by and through their undersigned counsel, respectfully submit the following Motion to Compel Responses to their Interrogatories and Requests for Production of Documents. Pursuant to Local Rule 26.1(g), Defendants are not required to submit an accompanying brief.

On November 13, 2018, Defendants served their Interrogatories and Requests for Production of Documents to Plaintiff.¹ Request 6 asked for copies of all medical bills, hospital bills, and all medical records and notes for Plaintiff's treatment. Interrogatory 10 requested a list of all treatment Plaintiff received as a result of the incident, the charges for the same, and the amount paid for each charge. Interrogatory 11 requested name and address of all medical providers that rendered services, including all x-rays or diagnostic studies, the charges for the same, and the amounts paid.

¹ See Exhibit A, a true and correct copy of the cover sheet.

Discovery responses were due on December 14, 2018. No responses, objections, or motion for protective order was received. The undersigned, pursuant to Local Rule 26.1(f), emailed counsel on January 14, 2019 requesting the discovery served on November 13, 2018.² Counsel provided partial and/or incomplete responses to the above referenced requests. With regard to Interrogatories 10 and 11, counsel responded by referring to the document production. With regard to Request 6, counsel referred to the attached medical bills and records.

With regard to medical lien, counsel produced a two page document listing the providers and the amount billed as \$83,947.05.³ However, as the records indicate, Plaintiff was covered by Blue Cross-Blue Shield and that her insurance company paid for her medical treatment. Therefore, there is a medical lien and, as this matter is a diversity action, Plaintiff is limited to the amounts paid and accepted for treatment, not the amount billed. See Moorhead v. Crozer Chester Med. Ctr., 765 A.2d 786, 789-90 (Pa. 2001) and Pa. Tr. Co. v. Dorel Juvenile Grp., Inc., 851 F. Supp. 2d 831, 844 (E.D. Pa. 2011) (granting motion *in limine* to cap prior medical treatment bills at amount paid by insurance pursuant to Moorhead). Defendants are prejudiced because the amount claimed by Plaintiff in discovery is not the amount recoverable.

With regard to the billing records, Plaintiff contends that they have produced all responsive documents in their possession.⁴ However, it is clear that counsel created the medical bill list from something, presumably the billing records from the various providers. Therefore, counsel has not produced all responsive records in that the billing list shows there are medical bills in their possession, which they transposed into the medical bill chart. Defendants are prejudiced by not having the full scope of what Plaintiff will claim as damages at trial.

² See Exhibit B, a true and correct copy of the email.

³ See Exhibit C, a true and correct copy of the log.

⁴ See Exhibit D, a set of e-mail correspondence between counsel requesting these records.

With regard to radiological studies, Plaintiff recently served the expert report of Dr. Steve Sexton of VSAS Medical Services.⁵ The report explains that Dr. Sexton performed Plaintiff's surgery and has in his possession 1) a clinical chart which was not produced in discovery and 2) radiological studies of Plaintiff's ankle. It is clear that these records were requested but not produced in discovery. Defendants are prejudiced in that Plaintiff's expert has an advantage in reviewing records not made available to Defendant.

A party that failed to produce documents or answers to interrogatories may be compelled by the Court to respond. Fed. R. Civ. P. 37(a)(3)(B)(iii) and (iv). See also National Hockey League v. Metropolitan Hockey Club, Inc., 427 U.S. 639, 643 (1976) (sanctions are necessary to deter "other parties to other lawsuits" from flouting "other discovery orders of other district courts"). Defendants

WHEREFORE, Defendants Spring Mountain Adventures, Inc. d/b/a Spring Mountain Ski Area, Third Generation Limited Partnership a/k/a 3rd Generation Partnership and Mountain Management, LLC respectfully request this Court enter an order in the form attached.

CIPRIANI & WERNER, P.C.

By: /s/ William M. Brennan
 William M. Brennan, Esquire
 Attorney ID No. 306930
 450 Sentry Parkway, Suite 200
 Blue Bell, PA 19422
 (610) 567-0700 telephone
wbrennan@c-wlaw.com
Counsel for Defendants

⁵ See Exhibit E, a true and correct copy of the report.

CERTIFICATE OF SERVICE

I, William M. Brennan, Esquire, hereby certify that a true and correct copy of Defendants' Motion to Compel Responses to Defendants' Interrogatories and Requests for Production of Documents will be served upon the following counsel via the Court's ECF system:

William J. Coppel, Esquire
Diane M. Sodano, Esquire
Ostroff Injury Law, P.C.
527 Plymouth Road, Suite 413
Plymouth Meeting, PA 19462
Attorney for Plaintiff,
Stephanie Amadeo

CIPRIANI & WERNER, P.C.

By: /s/ William M. Brennan
William M. Brennan, Esquire
Attorney ID No. 306930
450 Sentry Parkway, Suite 200
Blue Bell, PA 19422
(610) 567-0700 telephone
wbrennan@c-wlaw.com
Counsel for Defendants

CERTIFICATE OF COMPLIANCE

I, William M. Brennan, Esquire, hereby certify that I have, in good faith, attempted to resolve this discovery dispute without need for Court intervention pursuant to Fed. R. Civ. P. 37(a)(1) and Local Rule 26.1(f) by contacting counsel regarding his overdue discovery responses on March 20, 2019.

CIPRIANI & WERNER, P.C.

By: /s/ William M. Brennan
William M. Brennan, Esquire
Attorney ID No. 306930
450 Sentry Parkway, Suite 200
Blue Bell, PA 19422
(610) 567-0700 telephone
wbrennan@c-wlaw.com
Counsel for Defendants

EXHIBIT A

CIPRIANI & WERNER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

ANTHONY W. HINKLE
ahinkle@c-wlaw.com

450 Sentry Parkway, Suite 200
Blue Bell, PA 19422

Phone: (610) 567-0700
Fax: (610) 567-0712

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A Mid-Atlantic Litigation Firm

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November 13, 2018

VIA FIRST CLASS MAIL

William J. Coppel, Esquire
Ostroff Injury Law, PC
527 Plymouth Road
Suite 413
Plymouth Meeting, PA 19462

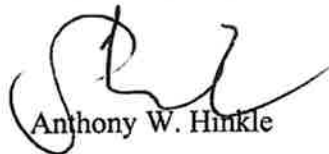
RE: Stephanie Amadeo v. Spring Mountain Adventures, et al.
USDC Middle District of PA, No.: 3:18-CV-2472
Our File No.: 1300-61984B

Dear Mr. Coppel;

Enclosed please find Defendant Spring Mountain Adventure, Inc.'s, Interrogatories and Request for Production of Documents Directed to Plaintiff in the above referenced matter.

Should you have any questions please do not hesitate to contact our office.

Very truly yours,



Anthony W. Hinkle

AWH/mam
Enclosures

EXHIBIT B

William Brennan

From: William Brennan
Sent: Monday, January 14, 2019 11:04 PM
To: 'wcoppol@gmail.com'
Cc: 'sbell@ostrofflaw.com'; Anthony Hinkle; Emily Paist
Subject: Amadeo v. Spring Mountain Aventures, et al.

Good evening:

On November 13, 2018, we served our first set of discovery directed to your client's attention. On November 30, 2018, we served supplemental requests for documents. No responses have been received. Kindly produce the information within seven (7) days or a motion to compel will follow. Please call with any questions.

William M. Brennan

CIPRIANI & WERNER PC

450 SENTRY PARKWAY, SUITE 200 | BLUE BELL, PA 19422
(610) 567-0700 (MAIN) | www.c-wlaw.com

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EXHIBIT C

Claim Type	Claim Number	Patient	Service Date	Provided By	Billed
Medical	201709715205	Stephanie (03/15/1985)	Apr. 01, 2017	Select Physical Therapy Holding	\$200.00
Medical	261712869467	Stephanie (03/15/1985)	Apr. 05, 2017	Carecentrix	\$61.21
Medical	261712869470	Stephanie (03/15/1985)	Apr. 05, 2017	Carecentrix	\$21.22
Medical	261716066062	Stephanie (03/15/1985)	Apr. 05, 2017	Baptist Health Medical Group Or	\$451.00
Medical	201710109540	Stephanie (03/15/1985)	Apr. 06, 2017	Select Physical Therapy Holding	\$200.00
Medical	201710317566	Stephanie (03/15/1985)	Apr. 08, 2017	Select Physical Therapy Holding	\$200.00
Medical	201711013938	Stephanie (03/15/1985)	Apr. 13, 2017	Select Physical Therapy Holding	\$200.00
Medical	201712322502	Stephanie (03/15/1985)	Apr. 26, 2017	Select Physical Therapy Holding	\$200.00
Medical	201712409566	Stephanie (03/15/1985)	Apr. 29, 2017	Select Physical Therapy Holding	\$150.00
Medical	261724272642	Stephanie (03/15/1985)	Aug. 24, 2017	Baptist Health Medical Group Or	\$451.00
Medical	261724489888	Stephanie (03/15/1985)	Aug. 28, 2017	Quest Diagnostics Clinical Labo	\$206.97
Medical	261724340961	Stephanie (03/15/1985)	Aug. 28, 2017	Vital Md Group Holding, Llc	\$275.00
Medical	281725702821	Stephanie (03/15/1985)	Aug. 30, 2017	Radiology Associates Of South F	\$215.01
Medical	281725702715	Stephanie (03/15/1985)	Aug. 30, 2017	Radiology Associates Of South F	\$273.00
Medical	201725012170	Stephanie (03/15/1985)	Aug. 30, 2017	West Kendall Baptist Hospital	\$7,276.00
Medical	271734935688	Stephanie (03/15/1985)	Dec. 06, 2017	Ameripath Florida Llc	\$135.00
Medical	271706159222	Stephanie (03/15/1985)	Feb. 17, 2017	Medical Imaging Of Lehigh Valle	\$315.00
Medical	261705579734	Stephanie (03/15/1985)	Feb. 17, 2017	Gesell Jeffrey	\$390.00
Medical	201706011985	Stephanie (03/15/1985)	Feb. 17, 2017	Lehigh Valley Hospital	\$55,031.83
Medical	281705846310	Stephanie (03/15/1985)	Feb. 17, 2017	Plymouth Community Ambulance	\$2,021.00
Medical	281706003544	Stephanie (03/15/1985)	Feb. 19, 2017	Lehigh Valley Anesthesia Servic	\$1,050.00
Medical	261706055637	Stephanie (03/15/1985)	Feb. 19, 2017	Allentown Anesthesia Associates	\$1,050.00
Medical	271706083694	Stephanie (03/15/1985)	Feb. 21, 2017	Sexton Scott E	\$1,525.00
Medical	271706083707	Stephanie (03/15/1985)	Feb. 21, 2017	Russell Deirdre A	\$1,524.00
Pharmacy	170525495965161	999 Stephanie (03/15/1985)	Feb. 21, 2017	Pharmacy	\$17.87
Pharmacy	170525497588103	999 Stephanie (03/15/1985)	Feb. 21, 2017	Pharmacy	\$143.39
Medical	271706083699	Stephanie (03/15/1985)	Feb. 24, 2017	Sexton Scott E	\$400.00
Medical	201706805621	Stephanie (03/15/1985)	Feb. 24, 2017	Lehigh Valley Hospital	\$1,940.00
Medical	281706565572	Stephanie (03/15/1985)	Feb. 24, 2017	Medical Imaging Of Lehigh Valle	\$195.00
Pharmacy	170565815363166	999 Stephanie (03/15/1985)	Feb. 25, 2017	Pharmacy	\$20.56
Medical	201718823862	Stephanie (03/15/1985)	Jul. 01, 2017	Select Physical Therapy Holding	\$250.00
Medical	201719511355	Stephanie (03/15/1985)	Jul. 07, 2017	Select Physical Therapy Holding	\$250.00

Medical	201719804605	Stephanie (03/15/1985)	Jul. 08, 2017	Select Ph/ysical Therapy Holding	\$200.00
Medical	271717107380	Stephanie (03/15/1985)	Jun. 14, 2017	Baptist Health Medical Group Or	\$451.00
Medical	201717322997	Stephanie (03/15/1985)	Jun. 16, 2017	Select Ph/ysical Therapy Holding	\$255.00
Medical	201717325067	Stephanie (03/15/1985)	Jun. 17, 2017	Select Ph/ysical Therapy Holding	\$250.00
Medical	201717826615	Stephanie (03/15/1985)	Jun. 21, 2017	Select Ph/ysical Therapy Holding	\$250.00
Medical	201718019231	Stephanie (03/15/1985)	Jun. 24, 2017	Select Ph/ysical Therapy Holding	\$250.00
Medical	201718516765	Stephanie (03/15/1985)	Jun. 28, 2017	Select Ph/ysical Therapy Holding	\$250.00
Medical	261731387243	Stephanie (03/15/1985)	Mar. 06, 2017	Baptist Health Medical Group Or	\$598.00
Pharmacy	170656456186069	Stephanie (03/15/1985)	Mar. 06, 2017	Pharmacy	\$39.99
Medical	261707348350	Stephanie (03/15/1985)	Mar. 08, 2017	Florida Hand Team And Associate	\$210.00
Medical	201708009145	Stephanie (03/15/1985)	Mar. 15, 2017	Select Ph/ysical Therapy Holding	\$225.00
Medical	201708212225	Stephanie (03/15/1985)	Mar. 17, 2017	Select Ph/ysical Therapy Holding	\$200.00
Medical	201708924850	Stephanie (03/15/1985)	Mar. 23, 2017	Select Ph/ysical Therapy Holding	\$200.00
Medical	201709021851	Stephanie (03/15/1985)	Mar. 25, 2017	Select Ph/ysical Therapy Holding	\$200.00
Medical	201709419057	Stephanie (03/15/1985)	Mar. 28, 2017	Select Ph/ysical Therapy Holding	\$200.00
Medical	201712827086	Stephanie (03/15/1985)	May. 01, 2017	Select Ph/ysical Therapy Holding	\$100.00
Medical	261716066197	Stephanie (03/15/1985)	May. 03, 2017	Select Ph/ysical Therapy Holding	\$451.00
Medical	261717377076	Stephanie (03/15/1985)	May. 03, 2017	Baptist Health Medical Group Or	\$60.00
Medical	201713125038	Stephanie (03/15/1985)	May. 06, 2017	Carecentrix	\$150.00
Medical	201713620744	Stephanie (03/15/1985)	May. 10, 2017	Select Ph/ysical Therapy Holding	\$105.00
Medical	201713900237	Stephanie (03/15/1985)	May. 13, 2017	Select Ph/ysical Therapy Holding	\$205.00
Medical	201714600262	Stephanie (03/15/1985)	May. 19, 2017	Select Ph/ysical Therapy Holding	\$260.00
Medical	201714600262	Stephanie (03/15/1985)	May. 19, 2017	Select Ph/ysical Therapy Holding	\$260.00
Medical	201714600251	Stephanie (03/15/1985)	May. 20, 2017	Select Ph/ysical Therapy Holding	\$310.00
Medical	201714600251	Stephanie (03/15/1985)	May. 20, 2017	Select Ph/ysical Therapy Holding	\$310.00
Medical	201714614256	Stephanie (03/15/1985)	May. 22, 2017	Select Ph/ysical Therapy Holding	\$200.00
Medical	201714614256	Stephanie (03/15/1985)	May. 22, 2017	Select Ph/ysical Therapy Holding	\$200.00
Medical	201715300601	Stephanie (03/15/1985)	May. 25, 2017	Select Ph/ysical Therapy Holding	\$255.00
Medical	201715606376	Stephanie (03/15/1985)	May. 30, 2017	Select Ph/ysical Therapy Holding	\$200.00
Medical	271736225534	Stephanie (03/15/1985)	Sep. 28, 2017	Baptist Health Medical Group Or	\$463.00
					\$83,947.05

EXHIBIT D

William Brennan

From: Samantha Bell <sbell@ostrofflaw.com>
Sent: Thursday, March 21, 2019 1:20 PM
To: William Brennan; 'William Coppel'
Cc: Anthony Hinkle; Dominique Johnson
Subject: RE: Amadeo v. Spring Mountain Adventures, Inc., et al - Our File 1300-61984B - Attempt to Resolve Discovery Dispute

Good afternoon:

We are working on gathering the lien total and the remainder of the billing records. We will forward to you as soon as we receive. We have produced everything in our possession so far.

Thank you,

Samantha Bell, Paralegal | Ostroff Injury Law, P.C., 518 E. Township Line Road, Suite 100, Blue Bell, PA 19422 Local: (610) 279-7000, extension 212 | Fax: (484) 351-0355. The information contained in this message is privileged and confidential, and only for the use of the individual or entity named, as it contains lawyer work product and/or lawyer-client protected information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is strictly prohibited.

NOTE: WE HAVE MOVED INTO OUR NEW HEADQUARTERS!

Our new address:

***518 E. Township Line Road, Suite 100,
Blue Bell, PA 19422***

From: William Brennan [<mailto:WBrennan@c-wlaw.com>]
Sent: Wednesday, March 20, 2019 12:10 PM
To: 'William Coppel' <wcoppel@ostrofflaw.com>
Cc: 'Samantha Bell' <sbell@ostrofflaw.com>; Anthony Hinkle <AHinkle@c-wlaw.com>; Dominique Johnson <DJohnson@c-wlaw.com>
Subject: Amadeo v. Spring Mountain Adventures, Inc., et al - Our File 1300-61984B - Attempt to Resolve Discovery Dispute

Good afternoon:

I still have not heard back from you with regard to these items:

1. Plaintiff's Blue Cross Blue Shield medical lien total
2. All medical billing and records in your possession including Lehigh Valley medical bills, Select Physical Therapy, and Carecentrix.

Please produce these items by next Monday March 25 or we will need to file a motion. I am sorry for the push here but we have a tight time schedule with our expert reports being due by mid-April and these records are needed to properly value the claim. I don't want to fall behind in keeping this case moving forward. I am out today at an arbitration but you can call me tomorrow to work out a plan to get these items. Thanks!

William M. Brennan

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EXHIBIT E

VSAS Medical – Legal Evaluations LLC

BARRY I. BERGER, M.D.
Pediatric Orthopaedics
General Orthopaedics
Trauma & Fracture Care

MITCHELL E. COOPER, M.D.
CAQ Sports Medicine
General Orthopaedics

THOMAS D. DIBENEDETTO, M.D.
General Orthopaedics

JOSHUA S. KRASSEN, D.O.
Physiatry & Spine Care
EMG/Electrodiagnosis
Epidural Injections

ERIC B. LEBBY, M.D.
Arthritic Joint Reconstruction
Hip & Knee Replacement

GABRIEL LEWULLIS, M.D.
Sports Medicine
General Orthopaedics

SCOTT E. SEXTON, M.D.
Orthopaedic Trauma Surgeon

PAUL A. SIBLEY, D.O.
Hand and Upper Extremity

NEAL A. STANSBURY, M.D.
CAQ Sports Medicine
Arthroscopic Surgery
General Orthopaedics

JOHN J. STAPLETON, D.P.M.
Board Certified in Foot Surgery,
Reconstructive Rear Foot &
Ankle Surgery
Certified by the American
Board of Podiatric Surgery

PRODY A. VERVERELI, M.D.
Arthritic Joint Reconstruction
Hip & Knee Replacement

**other physicians and
specialties available**

February 18, 2019

Transmitted via facsimile 484-351-0355 and US Mail.

William J. Coppel, Esquire
Ostroff Law
518 E. Township Line Road, Suite 100
Blue Bell, PA 19422

RE: Stephanie Amadeo
Date of Birth: March 15, 1985
Date of Injury: February 17, 2017

Dear Attorney Coppel:

The following is a narrative medical summary regarding your client and my patient, Stephanie Amadeo in relation to injuries resulting from an accident of February 17, 2017.

In addition to my clinic chart, I had the following records available to review including:

1. Diagnostic Study Reports, dated February 17, 2017 through August 30, 2017:
 - a. Plain radiographs of the right tibia and fibula, dated February 17, 2017, showed acute trimalleolar fracture dislocation of the right ankle.
 - b. CT scan of the right ankle, dated February 18, 2017, showed a comminuted trimalleolar ankle fracture.
 - c. Plain radiographs of the right ankle, dated February 19, 2017, showed intraoperative assessment with open reduction and internal fixation of the right ankle with all fragments in satisfactory alignment.
 - d. Plain radiographs of the right ankle, dated March 6, 2017, showed interval healing of the ankle fracture.
 - e. Plain radiographs of the right ankle, dated May 3, 2017, showed interval healing of the fracture with hardware in situ.
 - f. CT scan of the right ankle, dated August 30, 2017, noted a healed trimalleolar fracture with a loose body in the ankle joint.

1250 S. Cedar Crest Blvd., Suite 115 • Allentown, PA 18103 • Phone (610) 821-1015 • Fax (610) 821-6899

Other Locations of Our Offices:

Bethlehem, PA • Hamburg, PA • Harrisburg, PA • Plains, PA • Williamsport, PA • Wilmington, DE

Amadeo, Stephanie
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2. Records from Miami Orthopedic Institute, dated February 21, 2017 through September 28, 2017:
 - a. Evaluation, dated March 6, 2017, noted she was two weeks out from her injury. She was nonweightbearing in a walking boot.
 - b. Evaluation, dated May 3, 2017, noted she was fully weightbearing with the boot. She still had pain related to the medial screw. She had restriction in regard to range of motion. She was encouraged to continue with aggressive therapy.
 - c. Evaluation, dated August 24, 2017, noted she was complaining of random daily sharp pain, especially to the medial side of the ankle. She still had significant tenderness around the ankle joint and the hardware site. It was felt the hardware may be causing her some irritation, but it did not correlate with her subjective symptoms. They recommended obtaining an MRI and CT scan of the right ankle.
 - d. Evaluation, dated September 28, 2017, noted that the MRI and the CT scan showed a loose body in the ankle joint, as well as a small bony fragment adjacent to the tibial plafond at the posterior malleolus. They discussed removing the hardware and performing an arthroscopy of the ankle joint.
3. Records from Lehigh Valley Health Network Hospital, dated February 18, 2017 through February 21, 2017, were reviewed and considered.
4. Operative Report from Scott Sexton, M.D., dated February 21, 2017, noted the patient underwent open reduction and internal fixation of right ankle fracture bimalleolar type.
5. Records from Lehigh Valley Hospital Emergency Room, dated February 17, 2017, noted the patient had a crush injury as she hit against a snow wall and presented with a foot injury. She was snow tubing and when reaching the bottom of the hill, her foot was hanging out of the tube and crushed against a stopping barrier.
6. Records from Lehigh Valley Health Network Occupational/Physical Therapy, dated February 20, 2017 through February 21, 2017, were reviewed and considered.
7. CD-ROM contained the above medical records.

I came into contact with Ms. Amadeo soon after her right ankle crush injury on February 17, 2017. She was diagnosed with a displaced and unstable fracture of her right ankle. She underwent surgical reconstruction including open reduction and internal fixation of her right bimalleolar ankle fracture. Postoperatively, she was placed into a splint.

Ultimately, she returned closer to home in South Florida and received follow up care at Miami Orthopedics. She was placed into a brace and gradually progressed with a physical therapy program.

Based on her last report on September 28, 2017, she had persistent subjective complaints. She had tenderness around her incisions and hardware sites. Imaging studies were compatible with loose bodies in the ankle joint with a healed fracture.

Amadeo, Stephanie
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February 18, 2019

In conclusion, Ms. Amadeo sustained an unstable displaced right ankle fracture. Surgical management including open reduction and internal fixation is the standard care for this injury. All care provided does appear medically reasonable and appropriate.

I was not able to provide follow up care for Ms. Amadeo as she returned closer to home to the South Florida area. In review of the medical records, she continued to have subjective complaints and physical limitations. These type of complaints are typical and normal after an ankle fracture. Patients typically are never completely pain free. They will have pain and swelling around the incision sites and anterior ankle capsule. The hardware will typically be palpable and bothersome as the swelling diminishes. Patients will have a difficult time returning to strenuous activities including running.

It is my opinion within a reasonable degree of medical certainty that Ms. Amadeo will suffer posttraumatic arthritis of the right ankle. This was a trimalleolar fracture dislocation, which regularly creates cartilage damage. Although the fractures have gone on to heal, the cartilage around the ankle joint typically will suffer a slow progressive deterioration leading to posttraumatic arthritis over the course of 5-10 years. Ms. Amadeo will have a difficult time returning to a strenuous type employment. Certainly, she would have required an expected time off from work of 2-3 months total disability. Patients can typically return to a sedentary type job after 2-3 months. I would expect she would have permanent restrictions in regard to return to a more strenuous heavy duty type job.

Similarly, Ms. Amadeo will have difficulty and likely remain restricted in regard to returning to more involved or strenuous activities of daily living and leisure. She will have a difficult time returning to running. Bending and squatting will be difficult and limited. She will have a difficult time on uneven surfaces.

Ms. Amadeo received treatment at Miami Orthopedics and there appears to be a recommendation for ankle arthroscopy and removal of hardware. It is my opinion she would benefit from this surgical procedure to help diminish her symptoms and subjective complaints and improve overall function. The anticipated cost for the surgical procedure would be in range between \$15,000.00 and \$25,000.00. As noted above, she is at risk for progression of posttraumatic arthritis of the ankle. It is my opinion within a reasonable degree of medical certainty that this could become progressively limiting and symptomatic and ultimately will require more invasive surgery, such as an ankle fusion. The expected cost for such a procedure would range from \$25,000.00 to \$30,000.00.

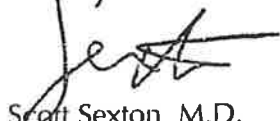
It is my opinion within a reasonable degree of medical certainty that her injuries including right ankle fracture were clearly related to the event on February 17, 2017. It is my opinion all treatment I rendered, as well as all treatment noted throughout the medical record, does appear medically reasonable and appropriate and directly related to the event on February 17, 2017.

Amadeo, Stephanie
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February 18, 2019

These conclusions have been reached within a reasonable degree of medical certainty, based on my personal interaction with Ms. Amadeo as her treating orthopedic surgeon and review of medical records.

If you have any further questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Sexton", with a stylized flourish extending to the right.

Scott Sexton, M.D.
Board Certified Orthopaedic Surgeon

SS/up/md